

REMARKS

In response to the Office Action mailed August 10, 2007, the Applicant respectfully requests that the Examiner consider the following remarks. Claims 1-20 and 26-28 remain pending in the application. The Applicant respectfully requests further examination and reconsideration of the application in light of the remarks.

Rejections Under 35 U.S.C. § 112

The Examiner rejected claim 1 under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement. The Examiner also rejected claims 1-20 and 26-28 under 35 U.S.C. § 112, second paragraph. In particular, the Examiner asserts that the phrase "a unit ready for installation" renders claim 1 and all dependent claims unpatentable. The Applicant respectfully traverses the rejections. U.S. Patent No. 6,321,500, which is incorporated by reference in its entirety, clearly describes how a siding panel unit is manufactured such that the resulting unit is ready for installation, as opposed to a multilayer construction in which the layers are separately installed (i.e., Bynoe). This distinction of a paneling unit of the claimed invention is clarified by the language in question. One of ordinary skill in the art would readily understand the distinction being made. In light of this explanation, the Applicant respectfully submits that claims 1-20 and 26-28 are not indefinite, and the rejection may be properly withdrawn.

Rejection of Claims 1-16, 18-20, and 26-28 Under 35 U.S.C. § 103(a)

The Examiner rejected claims 1-16, 18-20, and 26-28 under 35 U.S.C. § 103(a) as being obvious over Manning et al. in view of Bynoe. The Applicant respectfully traverses the rejection and maintains the remarks that were previously set forth.

There is no motivation for one of ordinary skill in the art to modify the references as suggested by the Examiner. Many reasons have already been presented as to why one of ordinary skill in the art would not be motivated to combine the references as suggested by the Examiner. It must be noted that the theories of operation of the cited references are completely different (i.e., Bynoe purposely allows water to bypass the cover panels), and siding panels and roofing materials address different water problems. Moreover, Bynoe does not teach or suggest a paneling unit that is ready for installation. As a result, one of ordinary skill in the art would not be motivated to combine the references as asserted by the Examiner. Thus, the Applicant respectfully submits that the cited references cannot support this rejection. Furthermore, in view of the shortcomings of the references with respect to claim 1, the Applicant respectfully submits that any rejections of the dependent claims have been rendered moot.

Rejection of Claim 17 Under 35 U.S.C. § 103(a)

The Examiner rejected claim 17 under 35 U.S.C. § 103(a) as being obvious over Manning et al. in view of Bynoe and further in view of Phillips et al. The Applicant respectfully traverses the rejection and maintains the remarks that have been previously set forth.

Furthermore, the shortcomings of Manning et al. in view of Bynoe with regard to claim 1 have been set forth above. Phillips et al. fails to overcome those shortcomings with regard to claim 1. Therefore, the Applicant respectfully submits that Manning et al. in view of Bynoe and further in view of Phillips et al. cannot support the rejection of claim 17 under 35 U.S.C. § 103(a).

Conclusion

The Applicant has distinguished claims 1-20 and 26-28 over the cited references. Therefore, the Applicant respectfully submits that the present application is now in condition for allowance, and such action is earnestly requested.

Respectfully submitted,

Date: October 10, 2007

/Jeffrey C. Norris/

Jeffrey C. Norris
Registration No. 42,039
Standley Law Group LLP
495 Metro Place South
Suite 210
Dublin, Ohio 43017-5319
Telephone: (614) 792-5555
Fax: (614) 792-5536
E-mail: jnorris@standleyllp.com